

NO. 51

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020

THURSDAY, SEPTEMBER 17, 2020

Thursday, September 17, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator HARPOOTLIAN. **(This is a Statewide Session day established under the provisions of Senate Rule 1B. Members not having scheduled committee or subcommittee meetings may be in their home districts without effect on their session attendance record.)**

ADDENDUM TO THE JOURNAL

The following remarks by Senator MASSEY were ordered printed in the Journal of September 16, 2020:

Remarks by Senator MASSEY

South Carolina has now been under a State of Emergency for six months because of COVID.

So far, there have been thirteen consecutive Executive Orders declaring 15-day states of emergency. I believe the current State of Emergency should end around next Wednesday, September 23, but there will surely be more.

The law authorizing the Governor to declare States of Emergency is clear, and specifically limits those declarations to 15 days unless the General Assembly consents to a longer period of time. Six months in, the Governor has not requested that legislative consent. But, to be fair, while the Senate discussed the issue in May, the legislature has not asserted its authority here, either. That's unacceptable.

After 13 consecutive States of Emergency, for more than six months, South Carolinians do not know the end game. Have goals been identified? They surely have not been articulated. I am confident I am not the only Senator who regularly receives phone calls or email messages from constituents asking when things will change. Is what we're doing working? What do we need to see for restrictions to ease? When will the State of Emergency end? Those are fair and reasonable questions that warrant complete answers.

I said a few months ago that I thought we should have a statewide requirement for people to wear masks or face coverings. I took that position because our experts -- South Carolina's public health experts -- said wearing masks will help slow the spread of the virus. If that's what

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our experts say, and if slowing the spread of the virus allows businesses to reopen at full capacity and allows people to return to their jobs and children to go to school five days a week and people to feel comfortable going to church and for folks to be able to visit loved ones in nursing homes, then I'm on the team.

But we must set reasonable expectations to the public. For the life of me, I don't understand the benefit of wearing a mask from the restaurant door to the table and from the table back to the door. Why is that the only place we have to wear masks? Have we seen an outbreak of COVID from people walking to their tables?

Restaurants are limited to 50% capacity with local and state law enforcement devoting precious time to enforce that limitation. Is that limitation necessary? Why? For how long? These States of Emergency have real financial impact on restaurants that already operate on small margins anyway. Is it having any impact on slowing the spread of COVID?

Restaurants have been prohibited from selling alcohol after 11:00. This doesn't apply only to bars. It doesn't apply only to areas where large crowds gather. It applies to restaurants in Sumter and Rock Hill and Florence and Greenwood and Aiken. Why? For how long?

Many other businesses are limited in capacity. Why is that? Why must a racetrack or other entertainment venues be limited but Wal-Mart and Lowe's are not?

South Carolina's point agency on COVID is the Department of Health and Environmental Control. Yet DHEC hasn't had a director for most of the past 6 months. Many very bright and hard-working people have stepped up over there to fill necessary roles. But the agency needs stable, competent leadership. Now more than ever. Where are they in the search for a new director?

Every school district was required to submit reopening plans to the Department of Education. Those plans had to be approved before schools could reopen. A small number of districts offer only virtual or distance learning so far.

Many districts, including the district where my children attend, chose hybrid options that have students in classrooms 2 days a week and learning virtually (at least that's the idea) the other 3 days a week. Districts chose that delivery method because they did not believe they could have normal populations of students on buses or in the classrooms and also comply with distancing recommendations. But many districts submitted and received approval for full, in-person learning 5 days a week.

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Why the difference? Are the 5-day districts complying with distancing recommendations? If so, what are the 5-day districts doing that hybrid and virtual districts chose not to do? If 5-day districts are not complying with the distancing recommendations, why aren't they? Do they not need to?

Overall, how long will these limitations last? Is there a case number we should be looking to? Or maybe hospitalizations? Or maybe the percentage of positive tests as compared to the total number of tests conducted? What's the goal? Is there a goal? What do South Carolinians need to achieve in order for life to return to normal? And how do they make that happen?

I've received these questions -- and many others -- from South Carolinians who've contacted me. They're reasonable questions.

They're reasonable questions from reasonable people who are frustrated that, as of yesterday, 2,943 South Carolinians have succumbed to COVID.

Reasonable people who are frustrated that their hours at work have been cut or they've lost their job or government is strangling their business with no real explanation as to why and no end in sight.

They're reasonable questions from reasonable people who are frustrated because they see the very real effects of their children not being in school for 5 months ... and not being in school 5 days a week now.

And they're angry...because after 13 consecutive States of Emergency lasting now more that 6 months, there are too few answers and even less communication.

At your direction, Mr. PRESIDENT, the Senate has been asking some of these questions. The members of your select Reopen SC Committee and the assigned staff have done a great deal of work over the last few months. I know, even in recent weeks, they've been questioning DHEC about testing and resources DHEC needs to lead the state effort to combat the virus. Those are important questions, and they need to be answered.

I know the House of Representative has done some oversight, as well, and I appreciate their work.

But I think we have a much larger role to play. The Senate should exercise its constitutional check and balance and ask these questions ... not in an attempt to play gotcha ... but so we will know the answers ... so the agencies know we're looking over their shoulder ... and so the public understands better what state government is doing, why it's doing those things, and how long it will continue to do those things.

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We also need to examine whether current law allows elected and appointed officials to respond to and manage crises appropriately.

It's apparent to me that our laws really are not designed for the situation we're experiencing now. Our emergency statutes are clearly designed for natural disasters with limited duration. The emergency powers are not conducive to managing an epidemic or health emergency. What is the Governor's authority in an emergency? What should it be? Do other statewide elected officials, such as the Superintendent of Education, have emergency powers? Should they? If so, what should those powers be? How about the Chief Justice? What is his authority to administer the judicial branch in an emergency? And is the emergency authority granted to local governments sufficient? Is it too much? We have to ask these questions, and, in some cases, we will need to change policy based on what we learn.

Mr. PRESIDENT, I believe the Senate should insist on answers. I don't know whether that should happen through the standing committees or through special committees, but I do know it needs to happen... Soon.

South Carolina has been under a State of Emergency for 6 months with no legislative or public input. That has to change.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Initial Appointment, Commission for the Blind, with the term to commence May 19, 2020, and to expire May 19, 2024

7th Congressional District:

Susan L. John, 3755 Cedar Creek Run, Little River, SC 29566-8435

Referred to the Committee on Family and Veterans' Affairs.

Initial Appointment, Commission for the Blind, with the term to commence May 19, 2020, and to expire May 19, 2024

3rd Congressional District:

Catherine C. Olker, 295 Todds Creek Road, Central, SC 29630-9457

Referred to the Committee on Family and Veterans' Affairs.

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MESSAGE FROM THE PRESIDENT

The following appointment was transmitted by the Honorable Harvey S. Peeler, Jr.

Initial Appointment, State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

Seat: Senate Majority

William Aiken Russell, 108 President Circle, Summerville, SC 29483

VICE Samuel L. Erwin (resigned)

Referred to the Committee on Judiciary.

Message from the House

Columbia, S.C., September 16, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Reappointment, Berkeley County Master-in-Equity, with term to commence November 7, 2020, and to expire November 7, 2026:

P.O. Box 609, Moncks Corner, S.C. 29461

Very respectfully,

Speaker of the House

Received as information.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 1191 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 1 OF ACT 476 OF 1998, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, TO REQUIRE A CANDIDATE SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN A SIGNED PETITION.

On motion of Senator M.B. MATTHEWS.

ORDERED ENROLLED FOR RATIFICATION

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

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H. 3800 -- Reps. B. Cox, Hiott, Elliott, Morgan, White, Clemmons, Hyde, Caskey, Magnuson, Hewitt, Trantham, Davis, Forrest and Hixon: A BILL TO AMEND SECTION 50-9-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPRENTICE HUNTING LICENSES, SO AS TO ALLOW FOR THE WAIVER OF THE CERTIFICATE OF COMPLETION REQUIREMENT FOR UP TO THREE YEARS AND TO ALLOW FOR A PERSON TO RECEIVE THIS WAIVER NO MORE THAN THREE TIMES.

On motion of Senator CAMPSSEN.

H. 4663 -- Reps. Finlay and Wheeler: A BILL TO AMEND SECTION 40-43-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROTOCOL FOR PHARMACISTS TO ADMINISTER INFLUENZA VACCINES WITHOUT THE ORDER OF A PRACTITIONER, SO AS TO PROVIDE PHARMACISTS MAY ADMINISTER INFLUENZA VACCINES TO PERSONS OF ANY AGE WITHOUT THE ORDER OF A PRACTITIONER PURSUANT TO PROTOCOL ISSUED BY THE BOARD OF MEDICAL EXAMINERS.

On motion of Senator DAVIS.

HOUSE BILLS RETURNED

The following Bills and Resolution were read the third time and ordered returned to the House with amendments.

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson-Myers: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

On motion of Senator DAVIS.

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H. 4938 -- Rep. Ridgeway: A BILL TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ELECTRONIC PRESCRIPTIONS, SO AS TO ADD CERTAIN EXCEPTIONS TO ELECTRONIC PRESCRIBING REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

On motion of Senator DAVIS.

H. 4940 -- Reps. Sandifer, Forrester, Ott, West, Toole, Norrell and Funderburk: A JOINT RESOLUTION TO ESTABLISH THE ELECTRICITY MARKET REFORM MEASURES STUDY COMMITTEE, TO PROVIDE FOR THE MEMBERSHIP ON THE STUDY COMMITTEE, TO PROVIDE THAT THE COMMITTEE SHALL STUDY WHETHER THE LEGISLATURE SHOULD ADOPT MARKET REFORM MEASURES AFFECTING THE PROVISION OF ELECTRIC SERVICE IN SOUTH CAROLINA AND STUDY THE PUBLIC BENEFITS ASSOCIATED WITH SUCH MEASURES, TO REQUIRE THE STUDY COMMITTEE TO ISSUE A REPORT WITH FINDINGS AND RECOMMENDATIONS TO APPROPRIATE FUNDS TO ENGAGE A THIRD-PARTY, INDEPENDENT, EXPERT CONSULTANT, OR CONSULTANTS, TO ADVISE THE STUDY COMMITTEE, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

On motion of Senator RANKIN.

NONCONCURRENCE

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkersman, Whitmire and Weeks: A BILL TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

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On motion of Senator MASSEY, with unanimous consent, the Senate nonconcurrent in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., September 17, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkersman, Whitmire and Weeks: A BILL TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

asks for a Committee of Conference, and has appointed Reps. G.M. Smith, Clyburn and Finlay to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

CONFERENCE COMMITTEE APPOINTED

Whereupon, Senators ALEXANDER, SHEHEEN and DAVIS were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

ADJOURNMENT

At 11:07 A.M., on motion of Senator JACKSON, the Senate adjourned to meet Tuesday, September 22 at 12:00 P.M.

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